

Remarks

Claims 33 – 42 and 44 – 55 stand rejected. Claims 1 – 34 are withdrawn as directed to a non-elected invention. Claim 43 has been previously canceled. Applicant amends claim 33 to indicate the composition components are present in amounts sufficient to treat epilepsy, cardiac arrhythmias, or pre-term labor. Support for this amendment can be found throughout the specification and at least on page 12, line 15 through page 13, line 2, page 19 lines 7 – 14 and in Example 1, specifically page 25 line 16 through page 26 line 18 and page 30 line 13 through page 32 line 2. Applicant submits that no new matter has been added to the application by the present amendment. Each of the rejections levied in the Office Action is addressed individually below.

Rejections under 35 U.S.C. § 102(e)

Claims 35 – 42, 44 – 51 and 55 stand rejected under 35 U.S.C. § 102(e) based on U.S. Patent 6,326,020 to Kohane (“Kohane”). The Examiner claims that Kohane teaches the claimed invention of claims 35 – 42, 44 – 51, and 55. Applicant submits that presently amended claim 35 is not anticipated by Kohane. Kohane fails to teach any of the components that comprise the composition in an amount sufficient to treat any of the listed conditions. Because the remaining claims rejected under § 102(e) all dependent from claim 35, they, likewise, are not anticipated by the Kohane reference.

Rejections 35 U.S.C. § 103(a)

Claims 35 – 42 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious in view of Kohane combined with U.S. Publication Number 2002/0010194 to Levin (“Levin”). Claims 35 – 42 also stand rejected under § 103(a). The Examiner maintains that claims 35 – 42 are obvious over the combination of Kohane and U.S. Publication Number 2001/0002404 to Webb (“Webb”). Lastly, claims 52 -54 stand rejected under 35 U.S.C. § 103(a) as being obvious based on Kohane in view of U.S. Patent Number 6,352,683 to ten Cate (“ten Cate”). Applicant submits that no combination of the references teaches or suggests the presently claimed invention. Specifically, none of the references teach components of the composition in effective amounts to treat epilepsy, cardiac arrhythmias, or pre-term labor.

Applicant thanks the Examiner for her time and consideration. If a telephone conversation would help clarify any issues or help expedite the prosecution of the case, Applicant invites the Examiner to contact the undersigned at 617-248-5222. Please charge any fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully submitted,

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